

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS;

STATE OF ALABAMA;

STATE OF ARKANSAS;

STATE OF KANSAS;

STATE OF LOUISIANA;

STATE OF NEBRASKA;

STATE OF SOUTH CAROLINA;

STATE OF WEST VIRGINIA,

GOVERNOR PHIL BRYANT, STATE OF MISSISSIPPI; AND

GOVERNOR PAUL R. LePAGE, STATE OF MAINE,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, ET AL.;

Defendants,

And

KARLA PEREZ, ET AL.;

STATE OF NEW JERSEY,

Defendants-Intervenors.

Case No. 1:18-cv-00068

**PLAINTIFF STATES' THIRD SUPPLEMENTAL APPENDIX IN
SUPPORT OF THEIR MOTION FOR PRELIMINARY INJUNCTION**

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August 4, 2018

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that on August 4, 2018, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Todd Lawrence Disher

TODD LAWRENCE DISHER

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Exhibit 68

STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
Michael Knowles on 08/02/2018

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 BROWNSVILLE DIVISION
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IN THE MATTER OF:

STATE OF TEXAS, ET AL.,

Plaintiff,

v.

UNITED STATES OF AMERICA,
ET AL.,

Defendants,

and

KARLA PEREZ, et al.,

Defendant-
Intervenors,

and

STATE OF NEW JERSEY,

Defendant-
Intervenor.

Civil Action No.
1:18-CV-00068

Thursday,
August 2, 2018

Washington, D.C.

DEPOSITION OF:

MICHAEL KNOWLES

STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
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1 called for examination by Counsel for the
2 Defendant-Intervenors, pursuant to Notice of
3 Subpoena, in the law offices of Mexican American
4 Legal Defense Fund, located at 1016 16th Street,
NW, Washington, D.C., when were present on behalf
of the respective parties:

5 APPEARANCES:

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17

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25

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Michael Knowles on 08/02/2018

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6 APPEARANCES: (cont.)

7

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9

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18

19 ALSO PRESENT:

20

21 ALEJANDRA AVILA*

22 RAI SHAY LIN

23

24 *Present telephonically

25

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1 Q They're not done in Atlanta?

2 A No. No, there's no Service Center in
3 Atlanta. There's a Service Center in Arlington,
4 Virginia, one in Vermont, one in Nebraska, one in
5 Texas, one in California. And, to the best of my
6 knowledge, they are done primarily in Nebraska,
7 but some at some point have been done in
8 California.

9 Q Are you aware of any Field Office in
10 Texas that has interviewed a DACA recipient?

11 A No, I didn't ask.

12 Q How many Filed Offices are you aware
13 of throughout the entire country that have
14 interviewed DACA recipients?

15 A Well, I'm only aware of two because
16 those were the calls that I made. I have not
17 called each and every Field Office to ask.

18 Q So, it's fair to say, as you sit here
19 today, you're aware of four instances where DACA
20 recipients were interviewed at a Field Center?

21 A Mm-hmm.

22 Q That's a yes?

23 A That is yes, that is yes.

24 Q Sorry.

25 A Sorry, I keep giving you a nonverbal

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1 nod. That is yes.

2 Q Very good.

3 Sorry, and I do the exact same thing,
4 I apologize.

5 A And, I have to reiterate, I did not do
6 a comprehensive data call. I mean, this
7 information should be readily available to the
8 parties from the Agency.

9 Q Let's talk about your personal
10 background. You're an Asylum Officer?

11 A I am an Asylum Officer.

12 Q Have you ever personally processed a
13 DACA application?

14 A Have what?

15 Q Have you ever personally processed a
16 DACA application?

17 A No, I have no reason to.

18 Q Have you ever adjudicated a DACA
19 application?

20 A No, I would have no reason to.

21 Q Okay. Do you know what the criteria
22 are to qualify for DACA?

23 A Vaguely. I mean, based on what I've
24 read in the public information.

25 Q You mentioned earlier something about

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1 We have procedures to terminate a
2 status or revoke a status.

3 Q So, again, I want to make sure we are
4 clear on this --

5 A Right.

6 Q -- as you sit here today you are not
7 aware of a single DACA application that has been
8 denied after meeting initial criteria?

9 A No, I am not.

10 MS. PERALES: Objection. Give me a
11 second here.

12 THE WITNESS: Okay.

13 MS. PERALES: Objection, asked and
14 answered. You are welcome to give the answer.
15 You are welcome to give the complete answer
16 again, but if you are asked the same question
17 twice -- It's the same question.

18 THE WITNESS: Yes. No, I mean I am
19 not personally aware of DACA cases. I mean my
20 awareness is, as I have said, what I have read
21 and my limited conversations with those who do
22 the work.

23 I didn't ask them that question.
24 However, I know as a CIS employee that we have
25 standard procedures to revoke status that has

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1 is arguing which point. I was asked to comment
2 on Mr. Palinkas's statement.

3 Q Sure. And, again, these are kind of
4 the questions we have to ask for baseline
5 purposes.

6 A Sure.

7 Q It's not a trick question.

8 A No.

9 Q All right. How many DACA applications
10 are you aware of that have been denied through
11 the history of the program?

12 A I'm sorry?

13 Q How many DACA applications are you
14 personally aware of being denied?

15 A I am not personally aware of the DACA
16 program.

17 Q What is the DACA program's population
18 currently?

19 A I don't know what you mean.

20 Q How many people have DACA status?

21 A I have no idea.

22 Q How many people have applied for DACA
23 status throughout the history of the program and
24 been denied?

25 A I have no idea. And when I say I have

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1 no idea I have no personal knowledge other than
2 what I have read in public documents.

3 Q How many DACA applications have been
4 denied under what is referred to as prosecutorial
5 discretion?

6 A I don't have that information.

7 Q Okay. So when was the first time you
8 were contacted by MALDEF?

9 A It would have been, like I said,
10 within the last couple of months. I don't recall
11 the dates.

12 Q What did you discuss with MALDEF?

13 A I was asked what I thought about this
14 statement and would I be willing to be deposed.

15 Q Okay. Did you discuss the topic, what
16 topics would be discussed during your deposition?

17 A I was told I would be asked about this
18 statement and I would probably be asked about my
19 personal knowledge, or lack of knowledge, of
20 DACA.

21 Q What did you tell MALDEF about your
22 lack of personal knowledge?

23 A Just what I have told you today and
24 what I have told them today.

25 Q That you really don't know anything

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1 MR. BIGGS: You need to stop for a
2 second?

3 MR. KNOWLES: Yes, just for a moment.

4 MR. BIGGS: Let's go back off the
5 record.

6 (Whereupon, the above-entitled matter
7 went off the record at 1:51 p.m. and resumed at
8 1:58 p.m.)

9 MR. BIGGS: All right, we're almost
10 done.

11 All right, Mr. Knowles, I should have
12 asked this earlier, I think I didn't, but if not,
13 correct me.

14 You have not personally done any DACA
15 processing, but have you ever supervised anybody
16 in your role as a federal employee in approving
17 DACA applications?

18 MR. KNOWLES: No, I have never
19 supervised anybody in the federal workplace. I
20 do supervise my union stewards.

21 BY MR. BIGGS:

22 Q Okay. So, we left off asking about
23 advanced parole. Do you know what advanced
24 parole is?

25 A I have a general understanding of it

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1 MR. KNOWLES: Yes, I --

2 MS. PERALES: You may answer.

3 MR. KNOWLES: Yes, I have no personal
4 awareness of that other than what I read in the,
5 you know, public documents and the newspapers.

6 I've heard of DACA -- I've read of
7 DACA applicants adjusting status because they
8 qualify to do so. But, not because they had
9 DACA.

10 MR. BIGGS: So, you're aware that some
11 DACA recipients, according to news reports, have
12 indeed successfully adjusted their status, right?

13 MR. KNOWLES: Yes, I have read that.
14 But I have no personal knowledge of that.

15 BY MR. BIGGS:

16 Q So, you don't know whether or not DACA
17 played any role in their ability to adjust their
18 status, right?

19 A I wouldn't have that level of
20 awareness of the program.

21 Q Why is it important in the immigration
22 processes of the United States to ferret out
23 fraud, in your opinion? It seems like a dumb
24 question, but just --

25 A Well, because, if one has committed

1 average length for an in person interview for a
2 DACA application to take?

3 A I have no idea.

4 Q And --

5 A I mean, it would depend on what
6 Service Center was asking the Field Office to ask
7 about. I didn't ask my contacts how long it took
8 them to interview those individuals.

9 Q You don't know if any of those
10 individuals they allegedly spoke to were denied,
11 right?

12 A No, I think the officers who did the
13 interview didn't know because they're not -- they
14 weren't the ones making the decision.

15 Q And, you mentioned the green card
16 interview process. Is that longer or shorter
17 than that asylum interview process?

18 A Oh much shorter.

19 Q How much shorter?

20 A I don't know because I don't
21 adjudicate green cards or naturalization.

22 But, you know, we might, in asylum, do
23 two or three interviews in a day. We're talking
24 about affirmative asylum, not credible fear.

25 And, somebody doing naturalization

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1 Palinkas's statement.

2 Q Sure. So, just to make sure we're
3 clear, of the 4,000-plus members you spoke to
4 approximately 6 of them prior to testifying
5 today?

6 A Mm-hmm.

7 Q That's a yes?

8 A Mm-hmm, yes.

9 MR. BIGGS: Pass the witness.

10 MR. HOLLANDER: I do have a few
11 questions, if you don't mind.

12 MR. KNOWLES: I would like to say that
13 the individuals that I spoke to were all union
14 representatives of their workplaces. And,
15 themselves are in regular contact with many other
16 employees.

17 MR. BIGGS: Sure. And, I'm sure he'll
18 ask you some questions about that.

19 MS. PERALES: So you want to re-pass
20 the witness?

21 MR. BIGGS: Yes, I mean, you can keep
22 it --

23 MR. HOLLANDER: We would like to take
24 a quick break.

25 (Whereupon, the above-entitled matter

1 alter the status of an individual in the United
2 States currently unlawfully?

3 A I don't know that professionally but,
4 from what I have read in public documents, it is
5 simply a -- the status is a deferred action, I
6 mean I believe that's actually in the title.

7 But, they are still considered here
8 unlawfully. But, the government has decided to
9 defer any action.

10 Q Nothing further.

11 A And --

12 Q Oh, go on.

13 A During the pendency of the deferral,
14 which I believe from what I read publically is a
15 two year period could be renewed, they get a work
16 permit.

17 I don't know what status there is
18 beyond that.

19 Q Would you agree with me that your
20 understanding of DACA is limited?

21 A Extremely limited to what is available
22 to the average citizen or, in my case, to an
23 employee of CIS. You know, we might have
24 employee broadcasts, whatever. We might have a
25 town hall meeting where, you know, there are

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1 general reports on what is happening in different
2 parts of the Agency.

3 But, my knowledge of DACA
4 professionally is zero, such as limited. I don't
5 do DACA. Right? Nor does Mr. Palinkas.

6 MR. BIGGS: Sure.

7 All right, thank you very much for
8 your time. I don't have anything further unless
9 y'all have something.

10 MR. KNOWLES: Okay.

11 MS. PERALES: Nothing further here.

12 MR. HOLLANDER: No, New Jersey's
13 finished as well.

14 MS. PERALES: I should say we reserve
15 our question -- remaining questions for the time
16 of trial.

17 The deposition is concluded.

18 (Whereupon, the above-entitled matter
19 went off the record at 2:50 p.m.)
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1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript

3 Deposition of: Michael Knowles

4 In the matter of: State of Texas v USA

5 Before: US District Court

6 Date: 08-02-18

7 Place: Washington, DC

8 were duly recorded and accurately transcribed

9 under my direction; further, that said transcript

10 is a true and accurate record of the proceedings;

11 and that I am neither counsel for, related to,

12 nor employed by any of the parties to this action

13 in which this deposition was taken; and further

14 that I am not a relative nor an employee of any

15 of the parties nor counsel employed by the

16 parties, and I am not financially or otherwise

17 interested in the outcome of the action.

18

19

20 Jennifer Bernardi

21 Court Reporter

22

23

24

25